

REMARKS

Claims 1-6 are pending in the present case. Claim 1 is the only independent claim.

Reconsideration in view of the following remarks is respectfully solicited.

Allowable Subject Matter

Applicant notes with appreciation the indication on page 5 of the final Office Action that claims 5 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicant respectfully submits that this is not necessary in view of the following remarks.

The Claims Define Patentable Subject Matter

The Final Office Action indicates that:

(1) claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. 06-283999 to Hosoya et al. (hereafter Hosoya) in view of U.S. Patent No. 5,883,830 to Hirt et al. (hereafter Hirt); and

(2) claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hosoya in view of Hirt and further in view of U.S. Publication No. 2001/0047127 to New, Jr. (hereafter New, Jr.).

These rejections are respectfully traversed.

Applicant respectfully submits that the present invention is distinguishable over the combination of Hosoya and Hirt and/or the combination of Hosoya and Hirt and New, Jr. for at least the following reasons:

The Examiner concedes that Hosoya fails to disclose that the noise component is measured during a manufacturing stage, as set forth in claim 1. However, in an attempt to make up for the deficiencies found in Hosoya, the Examiner imports Hirt.

Specifically, the Examiner alleges that Hirt discloses that by performing compensation on each imager during the manufacturing stage the noise due to process or manufacturing variations can be eliminated. (see final Office Action, page 3).

However, applicant respectfully submits that a close review of Hirt merely reveals that a controller 16 adjusts signals output from the sensor array in accordance with corresponding compensation values from the flash memory array. However, the flash programming of the memory array in Hirt is preferably performed at a factory following fabrication of the integrated circuit. Also, Hirt discloses that in other circumstances, it may be desirable for customers to flash program the memory cells. (see Hirt, col. 5, lines 38-47).

In other words, Hirt merely discloses that in using the image sensing device, compensation values are stored in a flash programmable memory array. Thereafter, analog signals output from the sensor array are adjusted in accordance with the compensation values. However, in Hirt the flash programming of the memory array with the compensation values (hence, the measuring of any noise component) is performed following

fabrication, instead of during manufacturing as set forth in the claimed invention. (see Hirt, col. 5, lines 43-45).

For at least the above noted reasons, applicant respectfully submits that Hirt fails to make up for the deficiencies found in Hosoya. Furthermore, the New, Jr. reference also fails to make up for the deficiencies found in Hosoya.

Applicant respectfully submits that neither Hosoya nor Hirt nor New, Jr., taken singularly or in combination, (assuming these teachings may be combined, which applicant does not admit) teach or suggest that the noise component is measured during a manufacturing stage.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of cited references fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claim 1 is allowable over the cited combination of references for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

Application No. 09/883,990
Amendment dated December 15, 2005
After Final Office Action of July 15, 2005

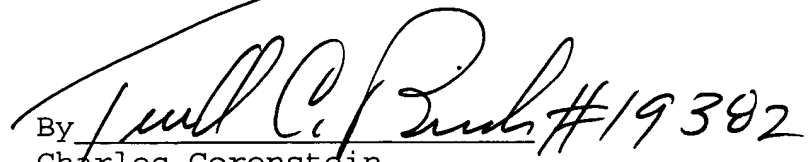
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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